

HATE CRIMES

Mr. DASCHLE. Mr. President, I rise to commend the passage of the bipartisan Kennedy-Smith Amendment—the Local Law Enforcement Act of 2000. The Senate's consideration of this important measure was long overdue and its passage is one of the major civil rights victories of this century.

We are all aware of the tragic deaths of James Byrd in Texas and Matthew Shepard in Wyoming. James Byrd was murdered because of the color of his skin. Matthew Shepard was murdered because of his sexual orientation.

In the Byrd killing, the federal government could help.

In the Shepard killing, the federal government could not help local law enforcement. Why? Because our current hate crimes statute is full of holes and desperately needs to be updated.

Right now the federal hate crimes law does not cover disability, gender or sexual orientation. In addition, the federal government can prosecute only those crimes where the victim was chosen because he or she was engaged in a "federally protected activity," such as attending public school or serving as a juror. That is a very narrow basis on which to bring a lawsuit.

Because Matthew Shepard was killed because he was gay, the federal government could not provide the resources Laramie, Wyoming's law enforcement so desperately needed. This is why our federal hate crimes law ought to apply whenever a hate crime occurs.

Last year Dennis and Judy Shepard, Matthew's parents, came to Capitol Hill to plead with us to broaden the hate crimes law. I suspect that no Senator who met them will ever forget their words or the anguish in their eyes. It was an anguish that probably only a parent who has lost a child can possibly understand.

During their visit to Capitol Hill, and all across America, the Shepards have found the strength to talk about their own tragic experience to help prevent other parents from experiencing their nightmare. Had we not passed the Kennedy-Smith Amendment we would have been ignoring their pleas, and the pleas of so many others.

The Kennedy-Smith Amendment will end, once and for all, the contortions that federal prosecutors must undertake to exercise jurisdiction over hate crimes. The Hatch Amendment will not.

The Kennedy-Smith Amendment will allow federal authorities to assist in state and local prosecutions of hate crimes on the basis of disability, gender and sexual orientation. The Hatch Amendment will not.

We don't need to collect more data on hate crimes. We don't need to analyze the problem. We need to solve it.

We already collect information on hate crimes and the statistics are grim. In the last year for which we have statistics, 1998, almost 8,000 hate crime incidents were reported.

And we already know that state and local law enforcement needs our help

because they have told us so. The National Sheriff's Association has told us so. The International Association of Police Chiefs has told us so. Both the Sheriff and Police Commander of Laramie, Wyoming have urged us to pass the Kennedy-Smith Amendment. The Laramie Sheriff and Police Commander came with Dennis and Judy Shepard to Capitol Hill. They told us what it meant for their departments to be without the assistance of the federal government in investigating and prosecuting Matthew Shepard's murder. It meant that they had to lay off 5 law enforcement officials as a result of the financial strain of the prosecution of Matthew Shepard's killers.

If the Kennedy-Smith Amendment had been law, those officers would not have been laid off.

We all know that only the Kennedy-Smith Amendment will bring about substantial change. We all know that only the Kennedy-Smith Amendment will provide law enforcement, in places like Laramie, Wyoming, the tools they need to investigate and prosecute hate crimes wherever they occur. We all know that only the Kennedy-Smith Amendment will send a strong message that the federal government will prosecute every hate crime with vigor.

I am proud that this Senate has now stood with Dennis and Judy Shepard. I am proud this Senate did not let the politics of misunderstanding keep us from enacting a bill that would enable prosecutions of crimes motivated by hatred of gays and lesbians—the motivation for some of the most vicious hate crimes.

There are those who argued that this amendment was not needed because it only affects a small percentage of Americans. I am troubled by this suggestion. Hate crimes diminish us all. Did this Congress say, in 1965, that we didn't need a Civil Rights Act because racial discrimination "only" affected a small percentage of Americans? No. We are talking about basic protections that all Americans should be afforded. If they are denied to any of us, we are all affected.

We must make sure that the federal government leaves no American unprotected. The Kennedy-Smith Amendment is a bipartisan, reasonable, measured response to a serious problem. Now we must ensure that it becomes law.

FLOOD DISASTER

Mr. CONRAD. Mr. President, I rise today to alert my colleagues that another series of national disasters have hit my home State of North Dakota. This newspaper headline from the largest paper in our State says it best with the headline on the front page, "Swamped." The newspaper goes on to say NDSU, the State university, suffered millions in damage. In fact, I talked to the president of the university hours ago. He believes the damage is in excess of \$20 million just at North

Dakota State University. This newspaper indicated that the flood filled the Fargo dome where NDSU plays the football games. The dome was filled with over 8 feet of water.

This monsoon that hit Fargo, ND, on the night of June 19, absolutely flooded the entire town. It was an incredible series of circumstances. This is a picture that shows cars under water. We saw this all over the city of Fargo. Basements are flooded. Every kind of structure is flooded with 2 to 3 feet of water in the streets of the city of Fargo, the biggest city in my State.

We also saw massive flooding on the outskirts of town. This is the interstate. This is I-94 that connects Fargo to the rest of North Dakota. It is a major east-west highway in North Dakota. It was under water. Every part of town saw massive flooding. Homes and trailers are under water all across the city of Fargo.

North Dakota State University is one of the two major universities in our State. They suffered millions in damage, with very little flood insurance. The president of the university told me their insurance carrier tells them for this kind of event they only had \$10,000 of insurance coverage—with losses of over \$20 million. Even the president's house was wet. The newspaper says the president of the university was among many people dealing with the soggy conditions after fighting battles throughout the night, with 2 inches of sewage that entered the basement of the president's house through the failure of the sewer system.

This disaster was not confined to the city of Fargo, unfortunately. It spread throughout the area. Probably one of the great ironies is that until June 11 we were in a drought in much of eastern North Dakota. On June 12, 13, and 14, we had heavy rains in the northeastern part of the State.

I was there last week with FEMA officials assessing the damage. In that part of the State, they received 20 inches of rain in 2 days—absolutely Biblical. I have never seen anything like it—20 inches of rain in 2 days. The entire annual precipitation we receive in the State of North Dakota came in 2 days.

Over 150,000 acres of prime farmland flooded in that series of incidents. Of course, that was followed a week later, last Monday night, by this devastation hitting Fargo, ND, the largest city in the State. The mayor of Fargo said it perhaps best: "It's the worst rain flood we've ever had."

This is an event unparalleled in North Dakota history. There is something very odd going on with the weather pattern. I can only say in my State we have had eight Presidential disaster declarations in the last 7 years. We fully anticipate we will have number nine as a result of this series of incidents in northeastern North Dakota and then in southeastern North Dakota. Hundreds of thousands of acres of farmland were flooded. The major